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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/177,047	10/22/1998	KENNETH L. BRINKLEY		2616

7590 07/10/2007  
FROST & JACOBS  
2500 PNC CENTER  
201 EAST FIFTH STREET  
CINCINNATI, OH 45202

EXAMINER

JOHNSON, STEPHEN

ART UNIT	PAPER NUMBER
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3641

MAIL DATE	DELIVERY MODE
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07/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09177047	10/22/98	BRINKLEY, KENNETH L.	

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CINCINNATI, OH 45202

**EXAMINER**

Stephen M.. Johnson

ART UNIT	PAPER
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3641

20070622

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Stephen M. Johnson  
Primary Examiner  
Art Unit: 3641

Art Unit: 3641

1. The reply filed on 5/16/2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s) (see 37 CFR 1.111) :

Newly submitted claims 68-72 and 74-80 are directed to an invention that is independent or distinct from the invention originally claimed in U.S. Patent 5,566,486 for the following reasons (see MPEP 806 through 806.05(i)):

The election as claimed in claims 1-21 of patent 5,566,486 is directed to the a firearm monitoring device in combination with a firearm (see claims 1 and 14). Claims 68-72 and 74-80 as now presented are directed to a monitoring device or firearm monitoring device or associated method of monitoring pulses independent of a firearm. As such these claims are directed to the subcombination Bsp (see claim 68 or 76 or 78 or 80) when the claims as originally presented (claims 1-21 of patent 5,566,486) are directed to the combination ABbr (see claims 1 or 14 of patent 5,566,486).

Since the amendment filed on 5/16/2007 cancelled all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention, the amendment is non-responsive (MPEP § 821.03).

Note that claim 73 is directed to the elected invention but since this claim is only presented in depend form an action on this claim alone could not be provided.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.  
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 3641

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is ([Stephen.Johnson@uspto.gov](mailto:Stephen.Johnson@uspto.gov)). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



**STEPHEN M. JOHNSON**  
**PRIMARY EXAMINER**

Stephen M. Johnson  
Primary Examiner  
Art Unit 3641

SMJ  
June 26, 2007